

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:21-cr-131

vs.

SHAMAIN MILLERTON, SR.,

District Judge Michael J. Newman

Defendant.

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**ORDER DENYING AS MOOT THE MOTION FOR RETURN OF PROPERTY FILED  
BY DEFENDANT’S SON (Doc. No. 46)**

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Defendant pled guilty to being a felon in possession of a firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(2), and was sentenced to 37 months imprisonment. Doc. No. 44. This criminal case is now before the Court on a Motion for Return of Property filed by Defendant’s son, who is not a party to this case. Doc. No. 46. In his *pro se* motion, Defendant’s son seeks the return of the two firearms that Defendant stole from him, and which formed the basis of the underlying felon-in-possession conviction. *See id.* In response, the Government alleges that Defendant’s son “was informed by Bureau of Alcohol, Tobacco, Firearms, and Explosives Task Force Officer Nathan Curley that he could report to the Dayton Police Department Property Room and obtain” the firearms in question. Doc. No. 47 at PageID 275. Considering that Defendant’s son may obtain his firearms without the need for court intervention, the Motion for Return of Property (Doc. No. 46) is **DENIED AS MOOT**. Accordingly, the Court need not address the issue of standing.

**IT IS SO ORDERED.**

March 22, 2023

s/ Michael J. Newman

Hon. Michael J. Newman  
United States District Judge